

1 MELINDA HAAG (CABN 132612)

United States Attorney

2 MIRANDA KANE (CABN 150630)

Chief, Criminal Division

4 MARC P. WOLF (CABN 254495)

Special Assistant United States Attorney

5 450 Golden Gate Ave., Box 36055

6 San Francisco, California 94102

7 Telephone: (415) 436-7200

Fax: (415) 436-7234

E-Mail: marc.wolf@usdoj.gov

8 Attorneys for the United States

10 UNITED STATES MAGISTRATE COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

) No. CR 3:12-MJ-71326 NC

14)

15 v.)

16 LEUNG-CHOI CHAN,

17 Defendant.

) STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE FROM
JANUARY 28, 2013 TO FEBRUARY 6,
2013 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

19 With the agreement of the parties, and with the consent of the defendant, the Court enters

20 this order scheduling a preliminary hearing date of February 6, 2013 at 9:30 a.m. before the duty

21 magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under

22 Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act,

23 18 U.S.C. § 3161(b), from January 28, 2013 to February 6, 2013. The parties agree, and the

24 Court finds and holds, as follows:

26 1. The defendant has been released on a bond.

27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act,

28 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation,

1 taking into account the exercise of due diligence.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's interest for the United States to indict the
6 case during the normal timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from January 28, 2013 to
11 February 6, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18
12 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on February 6, 2013, at 9:30 a.m., and (2) orders
15 that the period from January 28, 2013 to February 6, 2013, be excluded from the time period for
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18
19 IT IS SO STIPULATED:

20
21 DATED: January 23, 2013

/s
DOUGLAS R. SCHWARTZ
Attorney for Defendant

22
23
24 DATED: January 23, 2013

/s
MARC P. WOLF
Special Assistant United States Attorney

25
26
27 IT IS SO ORDERED.

28 DATED: January 25, 2013



United States Magistrate Judge